

Chemical Hazard Communication

Helpful information for employers



Introduction

What is the Employer Chemical Hazard Communication rule?

The Chemical Hazard Communication rule requires you – the employer – to inform and train your employees about hazardous chemicals in your workplace.

Which state agency administers this rule?

The Washington Department of Labor and Industries (L&I), WISHA Services Division, administers this rule and other occupational safety and health rules.

The Chemical Hazard Communication rule is part of the Washington Administrative Code – WAC 296-800-170.

Do I need to read the Employer Chemical Hazard Communication rule?

Yes!

This booklet alone will not explain all of the requirements of the Chemical Hazard Communication rule. You can easily access the rule on the L&I web site. It is written in plain English and includes a variety of tools, such as a sample written program for chemical hazard communications and sample forms.

The rule is on the L&I web site:

www.LNI.wa.gov/wisha/rules/corerules/HTML/296-800-170.htm

If you have one or more employees and they handle or are exposed to chemicals at your workplace, you must comply with this rule to meet your obligations as an employer. Failure to do so could lead to safety and health citations and penalties.

How will this booklet help me?

This booklet describes the requirements of a Chemical Hazard Communication program. It provides:

- A checklist you can use to make certain you meet all of the requirements of the Employer Chemical Hazard Communication rule.
- Questions and answers about employer requirements, including information specific to agriculture.
- Information on starting your employee-training program. This information goes beyond what is contained in the Employer Chemical Hazard Communication rule.



Checklist of Requirements

In addition to WAC 296-800-170, the following checklist may help you determine whether you have met all of the safety and health requirements for chemical hazard communication.

Chemical Hazard Communication Program Checklist

- ☐ Have we prepared a list of all the hazardous chemicals in our workplace?
- ☐ Do we update our hazardous chemical list regularly?
- ☐ Have we obtained or developed a Material Safety Data Sheet (MSDS) for each hazardous chemical we use?
- ☐ Do we have a system to ensure that we check all incoming hazardous chemicals for proper labels and data sheets?
- ☐ Do we have procedures to ensure proper labeling or warning signs for containers that hold hazardous chemicals?
- ☐ Are our employees aware of the specific information and training requirements of our Chemical Hazard Communication program?
- ☐ Are our employees familiar with the different types of chemicals and the hazards associated with them?
- ☐ Have our employees been informed of the hazards associated with performing non-routine tasks?
- ☐ Do our employees understand how to detect the presence or release of hazardous chemicals in the workplace?
- ☐ Are employees trained about proper work practices and personal protective equipment in relation to the hazardous chemicals in their work areas?
- ☐ Does our training program provide information on appropriate first aid, emergency procedures and the likely symptoms of overexposure?
- ☐ Does our training program include an explanation of labels and warnings that are used in each work area?
- ☐ Does the training describe where to obtain data sheets and how employees may use them?
- ☐ Have we worked out a system to ensure that we train new employees before beginning work?
- ☐ Have we developed a system to identify new hazardous chemicals before we introduce them into a work area?
- ☐ Do we have a system for informing employees when we learn of new hazards associated with a chemical we use?
- ☐ Do we have a records retention system that will retain the MSDSs or the alternative record for a minimum of 30 years?





Questions and Answers about the Employer Chemical Hazard Communication Rule_____

Material Safety Data Sheets (MSDS)	Pages 4-5
Labels and Record Keeping	Pages 6-7
Training Your Employees	Pages 6-7
General Provisions of the Rule	Pages 7-8
How the Rule Applies to Different Chemicals or Products	Page 9
Chemical Hazard Communication in Agriculture	Pages 10-11
Some Functions of the Department of Labor and Industries	Page 12
Hazardous Chemicals in Communities	Page 12



Material Safety Data Sheets (MSDS)

- 1. If I buy a hazardous chemical from a retail outlet (such as rust remover from a hardware store or fertilizer from a nursery), who will provide the MSDS?**

Retail distributors are only required to provide MSDSs to customers with commercial accounts who make requests. If you do not have a commercial account, you are responsible for requesting an MSDS from the manufacturer, importer or wholesale distributor.

- 2. What should I do if I get an MSDS with blank spaces on it?**

Contact the manufacturer or importer for a complete MSDS. The person who prepares the MSDS must fill out the form completely. If information is not available or not applicable to the chemical, the form should be marked so.

- 3. Who is responsible for the accuracy of MSDSs?**

The manufacturer, importer or employer preparing the MSDS must make certain the information accurately reflects the scientific evidence used in making the hazard determination.

- 4. Can computerized data sheet files be used as long as employees have proper access and knowledge of how to use them?**

Yes. The rule says that an MSDS may be in any form as long as it contains the required information. You must make certain the required information is provided for each hazardous chemical and is readily accessible to employees in each work area on each shift.

5. How often do MSDSs need to be updated?

Each MSDS must be updated within three months of the time the manufacturer, importer or employer learns of any significant new information pertaining to the hazards of the chemical or ways to protect against the hazards.

6. Do I have to obtain MSDSs on hazardous materials we don't use very often?

Yes. You must keep an MSDS on each hazardous chemical used in your workplace.

7. Must MSDSs be translated into a foreign language if the majority of workers don't speak English?

No. However, a reasonable effort must be made to inform all employees of the hazards in the workplace. Labor and Industries will, on request, provide assistance with translations for the following languages: Cambodian, Chinese, Korean, Spanish and Vietnamese.

8. Will Labor and Industries approve all material safety data sheets?

No. Labor and Industries does not approve the content of MSDSs, but will review them on a spot check basis for completeness and accuracy.

9. Will Labor and Industries provide blank MSDSs for manufacturers to use?

Yes. You can obtain a paper copy of OSHA Form 174, which meets the requirement of the rule, by calling L&I at 1-800-4BE-SAFE (423-7233). You can access the form on the OSHA web site at www.osha.gov/Publications/MSDS/msdsform.html.

10. Do contractors have to make MSDSs available to their employees when they are working at non-fixed locations, such as construction sites?

Yes. MSDSs may be kept at the contractor's permanent base if employees leave and return on a daily basis. Contractors who establish a temporary base, such as a trailer at a work site, are required to have MSDSs available at the site.



11. Are laboratories required to obtain MSDSs for all hazardous chemicals, even those that are old or infrequently used?

No. Laboratories are only required to keep MSDSs that are received for hazardous chemicals. These MSDSs must be available to laboratory personnel at all times. L&I recommends that laboratories obtain as many MSDSs as possible to help in developing their training programs.

12. Are farm-chemical distributors required to provide MSDSs?

Yes. All manufacturers, importers and distributors must provide MSDSs to employers who purchase hazardous chemicals. This includes pesticide dealers. Pesticide applicators that sell pesticides are considered distributors for the purposes of the rule.

Labels and Record Keeping

13. What does the rule require for labeling?

The Employer Chemical Hazard Communication rule requires that all workplace containers of hazardous chemicals, including pesticides, be labeled, tagged or marked with at least the following information:

1. The common, chemical or product name.
2. Appropriate hazard warnings.
3. Name and address of the manufacturer (applies only to shipping activities).

Pesticide container labels regulated by EPA satisfy this requirement. However, the Employer Chemical Hazard Communication rule says that pesticides cannot be put into unmarked containers and left unattended. Powered air spray tanks, hand-carried tanks or back pack tanks do not need to be labeled if the employee using the container personally transferred the chemical from a labeled container and the solution will be used immediately.

14. Do all containers need to be labeled?

No. Portable containers that meet the “immediate use” criteria of the rule do not have to be labeled.

15. Must labels be translated into a foreign language if the majority of workers don't speak English?

No. However, a reasonable effort must be made to inform all employees of the hazards in the workplace. Labor and Industries will, on request, provide assistance with translations for the following languages: Cambodian, Chinese, Korean, Spanish and Vietnamese.

16. Do pipes and piping systems containing chemicals need to be labeled?

No. The standard requires only containers to be labeled. Pipes and piping systems are not considered containers for the purpose of hazard communication. (Other regulations may require pipes and piping systems to be identified.)

17. Does a list of MSDSs satisfy the requirement of a hazardous chemical inventory?

Yes, as long as the product names or chemical names used on the inventory are the same as those used on the MSDSs and labels. A copy of the list must be made available to employees.

Training Your Employees

18. If there is more than one employer at a single job site, who is responsible for employee training?

Each employer must train his or her own employees. However, if an employer hires employees on contract from a temporary employment service, the hiring employer is responsible for informing and training the worker(s) about hazardous chemicals at the worksite.





19. Do I have to train employees about handling each brand of chemical?

No. Different brands of the same chemical have the same hazard. Information and training about one brand is considered to apply to the other brands.

20. Do workers have to be retrained whenever a new brand is introduced into the work area?

No. However, workers must be retrained whenever a new chemical hazard is introduced.

21. Will employees who rarely encounter hazardous chemicals need to be trained?

Yes. Employees must be trained on any hazardous chemical to which they could be exposed. Training should address the type of exposure encountered and the degree of danger involved.

22. Does a packaged instructional program satisfy the requirements for training under the Employer Chemical Hazard Communication rule?

No. General instructional programs can help to train your employees, but they will not completely satisfy the training requirements. You also need to create a written training program and provide training on the specific hazardous chemicals used in your workplace.

23. Is generic training acceptable if we use large numbers of chemicals?

Yes. The rule does not specify how training is to be performed. It only specifies who will be trained and the minimum content of the training. Grouping chemicals with similar hazards for training purposes is acceptable.

24. Do I have to keep records about who has received training on hazardous chemicals?

No. The rule does not require documentation of employee training, but L&I recommends that you keep records to verify your compliance with the employee training requirements.



General Provisions of the Rule

25. If I don't get an MSDS with a product, can I assume it's not hazardous?

No. You should call or write the manufacturer and ask for an MSDS if you suspect a chemical may be hazardous.

26. Does a complete list of hazardous substances exist?

No. However, there are several sources that list hazardous substances or criteria for determining whether chemicals are hazardous. These include the general occupational health standards (Chapter 296-62 WAC) and the latest edition of the ACGIH Threshold Limit Values Handbook, available online at www.acgih.org.

**27. Can I conduct my own hazard evaluation of a chemical?**

Yes. If you choose not to rely on the manufacturer's or importer's hazard evaluation, you have the right to evaluate a chemical yourself. You must follow the requirements for hazard determination as defined in the rule. You will be responsible for the completeness and accuracy of the data sheet.

28. If my company is small, or I use only one or two hazardous chemicals, must I still comply with the rule?

Yes, if you have employees, you must comply with the Employer Chemical Hazard Communication rule no matter how small your company or how few hazardous chemicals you use.

29. Who is considered to be a chemical importer?

An importer is considered to be the first business within the customs territory of the United States that receives hazardous chemicals produced in other states or countries. Importers who are employers must also comply with the applicable sections of the rule.

30. Does the rule apply to refuse collectors and landfill operators?

Hazardous chemicals purchased for use by refuse collectors are covered under this rule, but materials received for disposal are not. Workers are protected from the hazards of disposal through the accident prevention program required under WAC-296-800-140.

31. Are contractors required to notify employers about hazardous chemicals on a job site?

Yes. Just as employers have the obligation to notify contractors about hazardous chemicals at the worksite, contractors are required to provide MSDSs at a central location for each hazardous chemical to which the employees may be exposed. They are also required to inform the employer of any precautionary measures necessary as a result of hazardous chemicals they use, and provide an explanation of the labeling system used for their hazardous chemicals.

32. Are schools and colleges required to tell students about the hazards of chemicals they handle or are exposed to?

Teaching assistants, laboratory assistants and students employed by the schools are covered under the Employer Chemical Hazard Communication rule and must receive information and training.

33. How are laboratories covered under the rule?

Laboratories, including school and college labs, have limited coverage under the rule as described in WAC 296-800-17035.

How the Rule Applies to Different Chemicals or Products

34. Are off-the-shelf products covered under this rule?

Yes. Consumer products are considered to be hazardous if there are hazard warnings on the label that indicate a potential for physical or health hazards and your employees will be exposed in a manner not comparable to exposure experienced by the public.

35. Many office copy machines use hazardous chemicals that are enclosed in cartridges. Are employees who occasionally change these cartridges considered exposed to hazardous chemicals?

No. Employees who occasionally change “cartridge type” canisters of chemicals in office machines are not considered exposed and are not covered by the Employer Chemical Hazard Communication rule. However, an employee who even occasionally handles office machine chemicals that are not enclosed in cartridges would be covered by the rule for these hazardous chemicals.

36. Are radioactive chemicals covered under this rule?

Yes. Since the purpose of the Employer Chemical Hazard Communication rule is to protect employees from hazardous chemicals, radioactive chemicals are covered. Other radioactive materials such as those used in medical treatment are regulated by the Washington State Department of Health under WAC 246-220-254.

37. How are pharmaceuticals covered by the rule?

The rule covers pharmaceutical drugs such as antineoplastic (chemotherapy) agents, drugs that may cause eye or skin irritation, and drugs that have carcinogenic potential or known toxic effects when employees handle them. Other drugs in the form of pills, capsules or packaged for retail sale generally are not covered.

38. Are wood products exempt from labeling and MSDS requirements?

Wood and wood products are exempt, but wood dust and chemical preservatives are covered and must be treated accordingly. In addition, if sawing, sanding or other processing releases wood dust into the air, the wood product is covered.

39. Are bricks and cinder blocks exempt from this rule?

Bricks and cinder blocks are exempt from the rule unless they are cut or drilled. Cutting or drilling bricks or cinder blocks releases silica dust into the air and silica is a serious health hazard.

40. Are biological agents covered under this rule?

No. Biological agents such as microorganisms are not included in the definition of a chemical.



Chemical Hazard Communication in Agriculture

41. Does the Employer Chemical Hazard Communication rule cover all agricultural employees including seasonal and temporary employees?

Yes. All agricultural employees who handle or are potentially exposed to hazardous chemicals must be included in the employer's chemical hazard communication program.

The only individuals who are exempt from the rule's requirements are the immediate family members of the officer of any corporation, partnership, sole proprietorship or other business entity or officers of any closely held corporation engaged in agricultural production of crops or livestock.

42. Are agricultural employers exempt from the requirements to develop a written chemical hazard communication program?

No. All agricultural employers must develop a written chemical hazard communication program if their employees can be exposed, under normal conditions of use or in a foreseeable emergency, to any hazardous chemical including a pesticide.

43. Are employees in agriculture considered exposed to hazardous chemicals if they enter treated areas after the restricted-entry interval specified on the pesticide label?

Yes. Employees may be routinely exposed to low levels of pesticide residues from skin exposure after restricted-entry intervals have expired, or they could be exposed to pesticides from drift after application in adjacent fields.



Employees are considered exposed to pesticides if they enter a treated area:

- During a restricted-entry interval.
- Within 30 days after a restricted-entry interval expires.
- Within 30 days after pesticide application, if no restricted-entry interval is specified.

If any of these conditions exists, employees must be trained according to both the Employer Chemical Hazard Communication rule and the Worker Protection Standard.

44. As an agricultural employer, do I have to obtain material safety data sheets (MSDSs) for pesticides applied to my farm by a commercial applicator?

Regardless of who applies the pesticide, you must obtain MSDSs if your employees will enter a treated area during a restricted-entry interval, within 30 days after a restricted-entry interval expires, or within 30 days after pesticide application if no restricted-entry interval is specified.



45. As an agricultural employer, do I have to obtain MSDSs for pesticides in addition to the pesticide label?

Yes. Material safety data sheets must be obtained for all hazardous chemicals, including pesticides that employees may encounter in their work activities.

46. Can agricultural employers who use pesticides combine elements of their employee training and written chemical hazard communication program with similar training or written materials that may be required under other federal or state pesticide regulations?

Yes. The intent of the rule is not to require duplicative programs if requirements overlap with elements of other regulations. However, the chemical hazard communication program must include all chemicals and is not limited to pesticides.

47. What additional training requirements do I need to cover in my chemical hazard communication program if I am already providing training required by the Worker Protection Standard?

Employers following the requirements of the Worker Protection Standard will cover almost all the training and information requirements of the Employer Chemical Hazard Communication rule when pesticides are the only hazardous chemicals involved.

In addition, “workers” must be trained on how to use and access MSDSs and labels. “Handlers” must receive training on how to use and access MSDSs. Both workers and handlers must also know where the employer’s written chemical hazard communication program is kept and what it covers. If there are hazardous chemicals in the workplace other than pesticides, employees must be instructed on how to identify them and how to use them safely.





Some Functions of the Department of Labor and Industries

48. What will Labor and Industries do about manufacturers or importers located outside Washington who do not provide MSDSs?

L&I will take administrative and legal action, if necessary, to get MSDSs from uncooperative manufacturers, importers or distributors. Federal OSHA will also assist in obtaining MSDSs.

49. Will Labor and Industries approve all material safety data sheets?

No. Labor and Industries does not approve the content of MSDSs, but will review them on a spot check basis for completeness and accuracy.

50. Will Labor and Industries evaluate the validity of trade secret claims?

Yes, however, L&I will use discretion in selecting specific claims for evaluation.

Hazardous Chemicals in Communities

51. Who do I contact about hazardous chemicals in my community?

The Washington Department of Ecology administers the Community Right to Know Act and other hazardous waste disposal laws. For information about hazardous chemicals in your community, call the Hazardous Substance Information Office at 1-800-633-7585.

Learn by looking...

The most comprehensive safety and health video library in the United States is available to Washington State employers...and it's run by the Washington Department of Labor and Industries.

Here are a few of the titles covering chemical hazard communication that you'll find in the Safety and Health Video Library:

- Chemical Handling: General Principles (video ID: V0611)
- Hazard Communication: Signs of Safety (video ID: V1010)
- HAZCOM Case Histories: Learn from Their Mistakes (video ID: V0336; also available in Spanish)
- What's Wrong with this Picture? (video ID: V0783)
- You're in Control: A Hazard Communication Review (video ID: V0205)



The only cost is traceable return shipping (such as UPS or Federal Express).

For a complete selection of chemical hazard communication videos and to find out how to become a borrower, go to www.LNI.wa.gov/wisha/videocat/.

Starting Your Employee Training Program

The Employer Chemical Hazard Communication rule requires you to develop and maintain a written training program for both new and experienced employees and to give all your employees information about the program.

Employees who are directly or potentially exposed to hazardous chemicals on the job must receive additional information on the particular hazards of the chemicals to which they are exposed or potentially exposed. They also must be trained. You also must provide training when a new chemical hazard is brought into the workplace.

A generic Chemical Hazard Communication training program is available at www.LNI.wa.gov/wisha/ollearn/hazcom/default.htm. You will need to add information specific to your workplace to meet the training requirements.

Step 1: Know the requirements

Read the employee training requirements of the Employer Chemical Hazard Communication rule – WAC 296-800-17030.

Step 2: Identify employees who must be trained

Determine which employees are exposed or potentially exposed to hazardous chemicals in your workplace. These employees require training beyond the information provided to all employees. (See the sidebar on page 15, How to Determine Your Employees' Exposure to Chemicals.)

Step 3: Inform all employees

Develop a program to inform all employees about:

- The requirements of the Employer Chemical Hazard Communication rule.
- Any operations in their work areas that involve hazardous chemicals.
- The location and availability of the written hazard communication program, including the list(s) of hazardous chemicals and data sheets.

Step 4: Train employees with actual or potential exposure

The information and training your employees receive must be tailored to the types of hazards and exposures they encounter. This training must cover:

- Details of the Chemical Hazard Communication program. The program and training should explain the labeling system and Material Safety Data Sheets (MSDS), and include instructions on how to obtain and use hazard information.

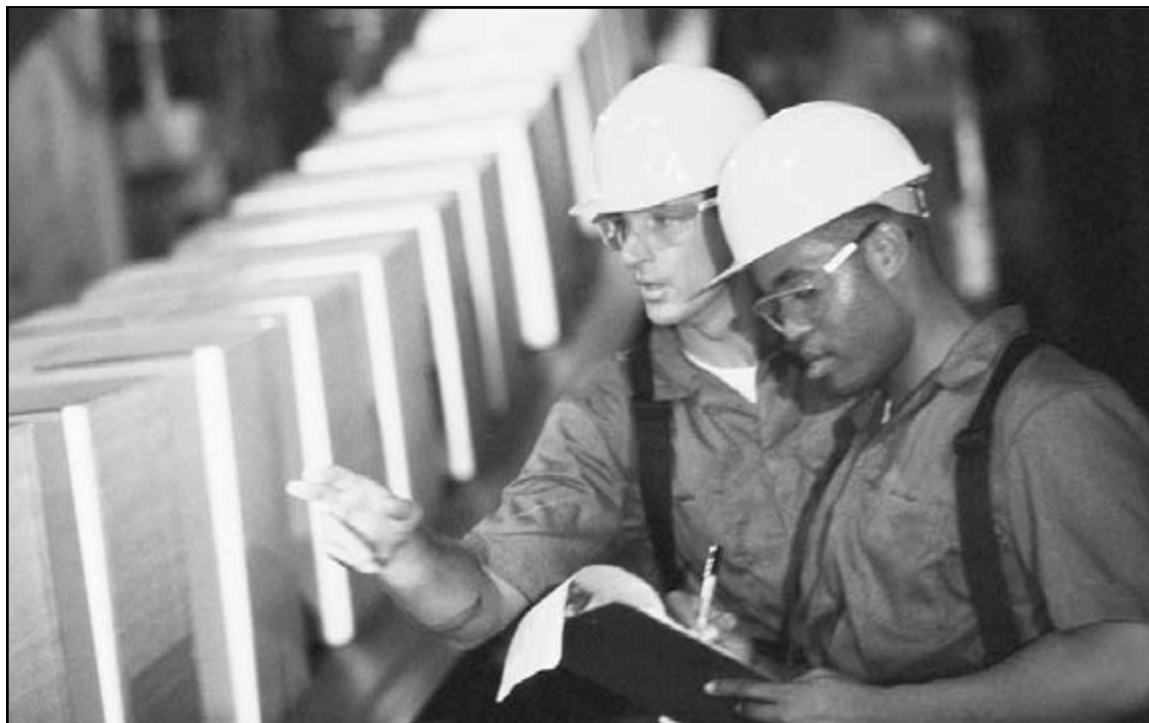




- The location of your written chemical hazard communication program, lists of hazardous chemicals and data sheets.
- How these employees can detect the presence or release of hazardous chemicals.
- Physical and health hazards of hazardous chemicals in the work area. Information about first aid, emergency procedures and the likely symptoms of overexposure.
- How employees can protect themselves through exposure control methods, including work practices, engineering controls, administrative controls, personal protective equipment and emergency procedures.
- When and how to report leaks and spills.
- Where to get more information.

Consider a system for documenting employee training. For example, employees could sign a form to verify that they attended the training and understand the company's hazard communication policy. This is not a requirement, but is a recommended option for your program.

Follow up after training sessions. Be sure that employees know how to handle chemicals and are using the training they were given. When your employees use protective equipment, be sure to keep it clean and properly maintained. Make certain it is available to your employees and they are using it.



How to Determine Your Employees' Exposure to Chemicals

- ✓ Follow each chemical from storage through use to disposal. Determine which employees are or could be exposed to it.
- ✓ Review your existing methods for controlling exposure to hazardous substances. List specific procedures for each work area and substance. To help organize your exposure control methods, think of them in three categories:
 1. **Engineering controls**, including exhaust ventilation systems, dust collection systems and process enclosures.
 2. **Administrative controls**, such as having a standby person for confined space entry, rotating employees to reduce exposure, lockout/tagout procedures, and substituting a non-toxic or less toxic chemical.
 3. **Personal protective equipment you provide** such as respirators, gloves, boots, aprons, goggles and face shields.
- ✓ Review your current chemical handling procedures and compare them to recommended practices indicated on the label or Material Safety Data Sheet (MSDS). This will help identify where you may need to improve your procedures.
- ✓ List the emergency procedures for each work area and each substance. Good emergency response procedures help protect the safety and health of your employees and reduce the potential loss of property and equipment.

How Can L&I Help Me?

The Department of Labor and Industries will help you meet the requirements of the Employer Chemical Hazard Communication rule. For assistance, contact the L&I office below that is nearest you and ask to speak to an industrial hygiene consultant.

Bellevue	425-990-1400	Spokane	509-324-2600
Bremerton	360-415-4000	Tacoma	253-596-3800
Everett	425-290-1300	Tukwila	206-835-1000
Kennewick	509-735-0100	Tumwater	360-902-5799
Longview	360-575-6900	Vancouver	360-896-2300
Port Angeles	360-417-2700	Walla Walla	509-527-4437
Seattle	206-515-2800	Yakima	509-454-3700

Workplace safety and health... free services and online tools



If you're an employer in Washington State, you must provide a safe and healthy workplace for your employees. We can help you meet the requirements of the Washington Industrial Safety and Health Act (WISHA).

Our services include:

- Onsite consultations
- Online training resources and helpful guides
- Safety and Health Video Library
- Safety-related publications
- Annual Governor's Industrial Safety and Health Conference



Learn more about these services and discover more safety information on the WISHA web site: www.LNI.wa.gov/wisha or call 1-800-4BE-SAFE (423-7233)



Department of Labor and Industries
WISHA Services Division
PO Box 44640
Olympia, WA 98504-4640

F413-012-000 [09/2003]